

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JIMMY RAY MELVIN, )  
                          )  
Plaintiff            )  
                          )  
vs.                    )                           Case No. 2:11-cv-03600-RBP-HGD  
                          )  
                          )  
OFFICER ELI BRIGHAM, )  
                          )  
Defendant            )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report on August 6, 2013, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be granted and this action dismissed with prejudice. (Doc. 28). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's

motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 4<sup>th</sup> day of September, 2013.



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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**